THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27587 of 2005

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28.12.2005

Between:

Mohd. Ghouse, S/o.Mohd. Hussain

And another

... Petitioners

AND

The Commissioner,

Municipal Corporation of Hyderabad

And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.27587 of 2005

ORDER:

The petitioners are owners of shops bearing Nos.22-7-488 & 489 and 22-7-490 & 491 situated at Purani Haveli, Hydeabad. The third respondent acquired land admeasuring 12.53 Sq.yards in one premises and 15.20 Sq.yards in other premises for the purpose of road widening. An award was passed on 13.2.2004 determining the compensation payable to the acquired property at Rs.1,20,902/-.

After passing the award when the Land Acquisition Officer sought to take possession, the petitioners requested to mark the portion of the land acquired for road widening. When the land was not marked, the petitioners filed W.P.No.6694 of 2004 seeking, *inter alia*, a direction to the respondents to mark the particular portion of the shops, which is part and parcel of acquired land, enabling the petitioners to demolish the marked portion so as to save the balance extent of their shops. This Court disposed of the writ petition on 07.4.2004 directing the respondents to mark the portion of acquired land while observing that if the petitioners failed to demolish

the marked portion within a period of one week from the date of completion of marking, the respondents would be at liberty to take steps to demolish the marked portion.

It is now alleged that the respondent is marking the petitioners' property for the purpose of demolition, which would result in the demolition of a portion, which was not acquired. On 21.12.2005, the third respondent issued a notice to the petitioners requesting to demolish the marked portion as per the subdivision records. The petitioners allege that there was no such marking as on 21.12.2005, but the petitioners themselves on their own demolished the portion, which was acquired to an extent of 12.53 Sq.yards and 15.20 Sq.yards. However, it is alleged that so as to benefit the owner on the backside of the shops of the petitioners, the respondents are bent upon demolishing the shops. Therefore, they filed the present writ petition seeking a writ of Mandamus directing the respondents to forbear from demolishing the shops of the petitioners in excess of the area acquired under the award dated 13.2.2004.

Heard the learned Counsel for the petitioners and learned Assistant Government Pleader for revenue (Land Acquisition). It is brought to the notice of this Court that the petitioners after demolishing the acquired portion have constructed a wall clearly delineating the margin of the widened road and therefore, the question of further demolishing the petitioners' property would not arise. The learned Assistant Government Pleader further submits that as the land to the extent of 12.53 Sq.yards and 15.20 Sq.yards acquired from the petitioners was demolished, there cannot be any further demolition by the respondents as alleged. The same is recorded.

In view of the submission made by the learned Assistant Government Pleader, the writ petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

December 28, 2005.

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